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**APPENDIX**

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**REPORTS OF STANDING COMMITTEES**

The following committee reports were received by the Secretary of the Senate:

February 15, 1993

FINANCE — C.S.S.B. 278

February 16, 1993

JURISPRUDENCE — S.B. 118

**SENT TO GOVERNOR**  
(February 16, 1993)

S.C.R. 2  
S.B. 130

**SEVENTEENTH DAY**  
(Wednesday, February 17, 1993)

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by Senator Harris of Dallas.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper James Morris offered the invocation as follows:

Our Father, for this day of service we give You thanks and for these who must decide between needs and wishes, we offer a prayer that You would provide wisdom, compassion, and understanding. In Your name we pray. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**CO-AUTHOR OF SENATE BILL 1**

On motion of Senator Zaffirini and by unanimous consent, Senator Leedom will be shown as Co-author of S.B. 1.

**CO-AUTHORS OF SENATE BILL 155**

On motion of Senator Turner and by unanimous consent, Senators Rosson, Ellis, Luna, Shelley, Sibley, and Harris of Tarrant will be shown as Co-authors of S.B. 155.

**CO-AUTHOR OF SENATE BILL 364**

On motion of Senator Moncrief and by unanimous consent, Senator Ellis will be shown as Co-author of **S.B. 364**.

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

**S.J.R. 20** by Nelson, Wentworth Finance  
Proposing a constitutional amendment to prohibit a personal income tax.

**S.C.R. 28** by Carriker, Ellis Committee of the Whole Senate on  
Redistricting, Ethics and Elections  
Resolving that in counties affected by the LULAC litigation, for district court elections in 1994 and thereafter, judges be elected from places composed of state representative districts, commissioners court precincts, or justice precincts as assigned by the legislature.

**S.B. 77** by Harris of Dallas State Affairs  
Relating to the authority of certain state financial regulatory agencies to enforce laws pertaining to certain institutions and loan and securities transactions that they regulate; providing administrative penalties.

**S.B. 78** by Armbrister Finance  
Relating to the authority of the Texas Department of Mental Health and Mental Retardation to designate a skilled nursing facility to provide court-ordered mental health services.

**S.B. 79** by Zaffirini, Ellis, Moncrief, Finance  
Patterson, Truan  
Relating to the requirement that the state develop a system of selective contracting with health care providers for the provision of certain services to Medicaid recipients.

**S.B. 80** by West State Affairs  
Relating to a committee to advise the Texas Department of Commerce about aerospace matters and to the abolishment of the Texas Space Commission.

**S.B. 81** by Barrientos State Affairs  
Relating to contributions to and benefits provided by the Employees Retirement System of Texas.

**S.B. 82** by Montford Finance  
Relating to the administration, collection, enforcement, and application of various taxes and fees; providing penalties.

**S.B. 83** by Parker Economic Development  
Relating to utility service and related service provided by or to the state, a state agency or institution, or a local government.

**S.B. 84** by Harris of Tarrant State Affairs  
Relating to the enforcement of support orders for children and the issuance of insurance coverage for certain persons subject to a medical support order for a child; providing a penalty.

**S.B. 362** by Armbrister Education  
Relating to the designation of the University of Houston-Victoria as an institution.

**S.B. 363** by Harris of Tarrant Economic Development  
Relating to the use of the advance interest trust fund to fund certain programs administered by the Texas Employment Commission.

**S.B. 364** by Moncrief, Ellis, Health and Human Services  
Parker, Ratliff, Wentworth, Sims, West, Madla, Lucio, Carriker, Luna, Montford, Haley, Armbrister, Sibley, Nelson, Turner, Barrientos, Whitmire, Harris of Tarrant, Leedom, Harris of Dallas  
Relating to infant and child immunization requirements.

**S.B. 365** by Wentworth Intergovernmental Relations  
Relating to performance audits of county officers, district attorneys, county offices, and district attorney offices.

**S.B. 366** by Sims Finance  
Relating to the accurate calculation of costs of environmental mandates for local governments.

**S.B. 367** by Ellis, Rosson, Truan Finance  
Relating to the creation and operation of a youth apprenticeship grant program.

**S.B. 368** by Armbrister Health and Human Services  
Relating to the regulation of the practice of dentistry.

**S.B. 369** by Barrientos Finance  
Relating to financing of the acquisition of rights-of-way for and the construction, maintenance, and policing of public roads by state agencies.

**S.B. 370** by Henderson State Affairs  
Relating to the designation of benzodiazepine as a controlled substance under the Texas Controlled Substances Act.

**S.B. 371** by Bivins State Affairs  
Relating to the operation of a motor vehicle by certain persons.

**S.B. 372** by Bivins State Affairs  
Relating to retaining the current names of the Texas Department of Health and the Texas Board of Health.

**S.B. 373** by Zaffirini, Wentworth, State Affairs  
Moncrief, Patterson, Luna, Carriker, Ellis, Madla  
Relating to the regulation of the sale or distribution of tobacco products; providing penalties.

**S.B. 374** by Brown Education  
Relating to the Division of Communicative Disorders at The University of Texas Graduate School of Biomedical Sciences at Houston.

**S.B. 378 by Whitmire** Criminal Justice  
Relating to maximizing the availability of federal funds to the Texas Department of Criminal Justice and to the efficient and economical operation of the institutional division of the department.

**TO BE A MEMBER OF THE TEXAS COUNCIL ON VOCATIONAL EDUCATION** for a term to expire February 1, 1994: Sylvia Talavera Blain

of Odessa, Ector County, representing postsecondary education, replaces Elbert Marcom of Austin, whose term expired.

TO BE A MEMBER OF THE TEXAS COUNCIL ON VOCATIONAL EDUCATION for a term to expire February 1, 1992: Cynthia Fobbs Morton of Garland, Dallas County, representing postsecondary education, replaces Diane Troyer of El Paso, who resigned.

TO BE A MEMBER OF THE TEXAS COUNCIL ON VOCATIONAL EDUCATION for a term to expire February 1, 1994: Martha E. Hinojosa-Nadler of Austin, Travis County, representing the private sector (State Job Training Partnership Council), replaces Lewis E. Cook of Houston, whose term expired.

TO BE A MEMBER OF THE TEXAS COUNCIL ON VOCATIONAL EDUCATION for a term to expire February 1, 1994: Theodore Talbot of Waco, McLennan County, representing the private sector, replaces William E. Zinsmeyer of San Antonio, whose term expired.

TO BE A MEMBER OF THE TEXAS COUNCIL ON VOCATIONAL EDUCATION for a term to expire February 1, 1995: Dr. Edna I. Garza-Escobedo of Harlingen, Cameron County, representing postsecondary education, replaces Ted Martinez, Jr., of Dallas, who resigned.

TO BE A MEMBER OF THE TEXAS COUNCIL ON VOCATIONAL EDUCATION for a term to expire February 1, 1995: Paul H. Ellis of Austin, Travis County, representing the private sector, replaces Marcus Hill of Fort Worth, whose term expired.

TO BE A MEMBER OF THE TEXAS COUNCIL ON VOCATIONAL EDUCATION for a term to expire February 1, 1995: Steve L. McSpadden of Quanah, Hardeman County, representing agriculture, replaces Edward L. Lehman of Vernon, whose term expired.

TO BE A MEMBER OF THE TEXAS COUNCIL ON VOCATIONAL EDUCATION for a term to expire February 1, 1995: Dr. Raul Ramirez of El Paso, El Paso County, representing postsecondary education, replaces Cynthia Fobbs Morton of Garland, whose term expired.

TO BE A MEMBER OF THE TEXAS COUNCIL ON VOCATIONAL EDUCATION for a term to expire February 1, 1995: Mike Bickley of Lufkin, Angelina County, representing labor, is being reappointed.

Respectfully submitted,

/s/Carolyn Honea Crawford, Chairman  
State Board of Education

#### RESOLUTION SIGNED

The Presiding Officer announced the signing of the following enrolled resolution in the presence of the Senate:

#### S.C.R. 13

#### SENATE RESOLUTION 104

Senator Turner offered the following resolution:

WHEREAS, The Senate of the State of Texas joins with the citizens of Bryan in mourning the loss of Mike M. Perrone who died tragically in an automobile accident three miles from his home on January 14, 1992; and

WHEREAS, A lifetime resident of Brazos County, Mike Perrone was born in Steele's Store on February 8, 1922, to Johanna Depuma Perrone and John M. Perrone, Sr.; and

WHEREAS, Mike Perrone was married to Mary G. Restivo on January 19, 1947, and together they built their first home in Steele's Store; and

WHEREAS, Mr. Perrone was a well-known, highly respected, and successful cotton farmer, rancher, and businessman; and

WHEREAS, While an active member of the Future Farmers of America, he was awarded the American Farmer Award in 1939; and

WHEREAS, Patriotic and a leader in the community, Mike Perrone served as a Technical Sergeant in the United States Army Air Corps in the Pacific during World War II, and he was a member of the American Legion Post Number 159 and Veterans of Foreign Wars Post Number 4692; and

WHEREAS, He attended Texas A&M University and The University of Texas, and his appreciation of education inspired him to send all of his children to college; and

WHEREAS, A man of integrity and generosity, he gave unselfishly of his time to others, and his life brought unity to those who knew him; and

WHEREAS, Mike Perrone had a vibrant personality and a contagious smile, and throughout his life he was a source of strength to many; and

WHEREAS, A devout Catholic, he was a member of the Monsignor Gleissner Council of the Knights of Columbus Number 1834 and Ministry of Praise at Saint Anthony's Catholic Church; and

WHEREAS, His wisdom, warm spirit, and valued counsel will not be forgotten by those who knew him; and

WHEREAS, Mike Perrone was a devoted husband, father, and grandfather, and he leaves behind memories that will be forever treasured by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby extend sincere condolences to the bereaved family of Mike M. Perrone: his wife, Mary Restivo Perrone; his sons, Mike M. Perrone III, Andy Perrone, and Tommy Perrone; his daughters, Dianna Cook, Niky Mauro, Marilyn Bowen, and Judy McCrady; and his 15 grandchildren; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Mike M. Perrone.

The resolution was previously read and adopted on Monday, February 8, 1993.

#### GUESTS PRESENTED

Senator Turner was recognized and introduced to the Senate the following family members and friends of Mike M. Perrone: Mary G. Perrone, wife; Mike M. Perrone III, son; Andy Perrone, son; Niky Perrone

Mauro, daughter; Tommy Perrone, son; Marilyn Perrone Bowen, daughter; Judy Perrone McCrady, daughter; Deby Perrone, daughter-in-law; Michael King, grandson; Jim Jackson, friend of Niky Mauro; and Pam Perrone, daughter-in-law.

The Senate welcomed these guests and expressed its sympathy for the family.

#### **SENATE BILL 242 ON SECOND READING**

Senator Ellis moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 242 be taken up for consideration at this time:

**S.B. 242**, Relating to the transfer of Texas Turnpike Authority projects to a county or local government corporation and to the administration and financing of those projects.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **SENATE BILL 242 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 242 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 137 ON SECOND READING**

Senator Armbrister moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 137 be taken up for consideration at this time:

**C.S.S.B. 137**, Relating to the continuing education of plumbers.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Carriker.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 137 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 137 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Carriker.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**MESSAGE FROM THE HOUSE**

House Chamber  
February 17, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

**S.C.R. 26**, Paying tribute to the life of Sam Houston.

**H.C.R. 40**, Recognizing February 17, 1993, as Longview-Tyler Day at the State Capitol.

**H.C.R. 50**, Inviting Chief Justice Tom Phillips to address a joint session of the legislature on the state of the judiciary.

**S.C.R. 25**, Commending George S. Smith for his exceptional contributions to the City of Marshall, Texas.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**COMMITTEE OF THE WHOLE SENATE**

On motion of Senator Harris of Dallas and by unanimous consent, the Senate at 11:05 a.m. resolved into a Committee of the Whole Senate with Senator Harris of Dallas presiding.

**IN LEGISLATIVE SESSION**

The Presiding Officer, Senator Harris of Dallas in Chair, called the Senate to order at 12:13 p.m. as In Legislative Session.

**REPORT OF COMMITTEE OF THE WHOLE SENATE**

Senator Whitmire reported that the Committee of the Whole Senate had met and conducted its business.

**SENATE RULE 11.11 SUSPENDED**

On motion of Senator Carriker and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee of the Whole Senate on Redistricting, Ethics and Elections might meet tomorrow.

(President in Chair)

**SENATE BILL 22 ON SECOND READING**

Senator Moncrief moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 22** be taken up for consideration at this time:

**S.B. 22**, Relating to a performance bond required of county contractors.

The motion prevailed by the following vote: Yeas 30, Nays 1.



Nays: Brown.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### SENATE BILL 22 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 22 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Brown.

The bill was read third time and was passed by a viva voce vote.

#### RECORD OF VOTE

Senator Brown asked to be recorded as voting "Nay" on the final passage of the bill.

#### COMMITTEE SUBSTITUTE SENATE BILL 25 ON SECOND READING

Senator Moncrief moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 25 be taken up for consideration at this time:

C.S.S.B. 25, Relating to the offense of harassment and including within that offense conduct that constitutes stalking; providing furlough limitations and notification.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

Amend C.S.S.B. 25 as follows:

(1) In SECTION 1, Section 42.07(a)(7), insert "by acts or words" between "those occasions" and "threatens to inflict" (Committee Printing page 1, line 51).

(2) In SECTION 1, Section 42.07(d)(1), delete "for conduct directed specifically toward the same person" (Committee Printing page 2, lines 1 and 2).

(3) Insert new SECTIONs 2, 3, and 5 to read as follows:

SECTION 2. Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.46 to read as follows:

Art. 17.46. CONDITIONS FOR A DEFENDANT CHARGED WITH STALKING. (a) A magistrate may require as a condition of release on bond that a defendant charged with an offense under Section 42.07(a)(7), Penal Code, may not:

(1) communicate directly or indirectly with the victim; or

(2) go to or near the residence, place of employment, or business of the victim or to or near a school, day-care facility, or similar facility where a dependent child of the victim is in attendance.

(b) If the magistrate requires the prohibition contained in Subsection (a)(2) of this article as a condition of release on bond, the magistrate shall specifically describe the prohibited locations and the minimum distances, if any, that the defendant must maintain from the locations.

SECTION 3. Section 11, Article 42.12, Code of Criminal Procedure, is amended by adding Subsection (l) to read as follows:

(l)(1) If the court grants probation to a person convicted of an offense under Section 42.07(a)(7), Penal Code, the court may require as a condition of probation that the probationer may not:

(A) communicate directly or indirectly with the victim; or

(B) go to or near the residence, place of employment, or business of the victim or to or near a school, day-care facility, or similar facility where a dependent child of the victim is in attendance.

(2) If the court requires the prohibition contained in Subdivision (1)(B) of this subsection as a condition of probation, the court shall specifically describe the prohibited locations and the minimum distances, if any, that the probationer must maintain from the locations.

SECTION 5. Section 8, Article 42.18, Code of Criminal Procedure, is amended by adding Subsection (o) to read as follows:

(o)(1) In addition to other conditions imposed by a parole panel under this article, the parole panel may require as a condition of parole or release to mandatory supervision that an inmate serving a sentence for an offense under Section 42.07(a)(7), Penal Code, may not:

(A) communicate directly or indirectly with the victim; or

(B) go to or near the residence, place of employment, or business of the victim or to or near a school, day-care facility, or similar facility where a dependent child of the victim is in attendance.

(2) If a parole panel requires the prohibition contained in Subdivision (1)(B) of this subsection as a condition of parole or release to mandatory supervision, the parole panel shall specifically describe the prohibited locations and the minimum distances, if any, that the inmate must maintain from the locations.

(4) Renumber SECTION 2 as SECTION 4 and SECTIONs 3, 4, 5, and 6 as SECTIONs 6, 7, 8, and 9.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Moncrief and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

#### COMMITTEE SUBSTITUTE SENATE BILL 25 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 25 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**MEMORIAL RESOLUTIONS**

**S.R. 250** - By Haley: In memory of Simon W. Henderson, Jr., of Lufkin.

**S.R. 251** - By Haley: In memory of the Honorable Ernest Andrew Coker, Sr., of Conroe.

**S.R. 252** - By Haley: In memory of Kester W. Denman, Jr., of Lufkin.

**CONGRATULATORY RESOLUTIONS**

**H.C.R. 46** - (Ratliff): Congratulating Dr. John Marion Ellis on the occasion of his retirement.

**S.C.R. 27** - By Sims: Recognizing Dr. Thomas K. Kim on the occasion of his retirement from 22 years of service as President of McMurry University.

**S.C.R. 29** - By Barrientos: Congratulating the Junior Helping Hand Home for Children on the occasion of its 100th birthday.

**S.R. 244** - By Moncrief: Recognizing Executive Deputy Chief B. J. Kirkpatrick of the Fort Worth Police Department, who is retiring after 36 years of service in the field of law enforcement.

**S.R. 245** - By Patterson, Brown: Expressing support for continued funding of the Space Station Freedom program.

**S.R. 246** - By Sims: Recognizing Pam Rhodes for her service to the City of Sweetwater.

**S.R. 247** - By Zaffirini: Recognizing Dr. Bruce Hay for his 46 years of medical service in Reeves County.

**S.R. 248** - By Turner: Joining with the citizens of the State of Virginia in celebrating the 200th birthday of Sam Houston.

**S.R. 253** - By Haley: Recognizing Mark Henry of Silsbee for his outstanding performance as a weightlifter in the 1992 Olympic Games.

**S.R. 254** - By Ellis: Recognizing Trinity United Methodist Church of Houston on the occasion of its 128th anniversary.

**S.R. 255** - By West: Recognizing the Reverend H. J. Johnson for his many years of service in the ministry.

**S.R. 256** - By Moncrief: Commending the Cenikor Foundation for its 25 years of service and dedication to its clients.

**ADJOURNMENT**

On motion of Senator Harris of Dallas, the Senate at 12:28 p.m. adjourned, in memory of Dianne Ellen Lauletta of League City, until 10:30 a.m. tomorrow.

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**APPENDIX**

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**REPORTS OF STANDING COMMITTEES**

The following committee reports were received by the Secretary of the Senate:

February 17, 1993

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY —  
**S.B. 246**

EDUCATION — **S.B. 183** (Amended), **C.S.S.B. 251**, **C.S.S.B. 163**

STATE AFFAIRS — **C.S.S.B. 27**, **S.B. 76** (Amended), **S.B. 178**

INTERGOVERNMENTAL RELATIONS — **S.B. 249**, **S.B. 243**  
(Amended)

**FILED WITH SECRETARY OF STATE**

(February 17, 1993)

**S.J.R. 7**

**EIGHTEENTH DAY**

(Thursday, February 18, 1993)

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Patterson.

A quorum was announced present.

The Reverend William Disch, Vicar, Holy Trinity Episcopal Church, Austin, offered the invocation as follows:

O God, the fountain of wisdom, whose will is good and gracious, and whose law is truth: We beseech You so to guide and bless our Senators of the State of Texas assembled this day, that they may deliberate upon and enact such laws as shall please You, to the glory of Your name and the welfare of the people of the State of Texas; through Jesus Christ our Lord. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.